

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GILEAD SCIENCES, INC., et al.,	:	
	:	
Plaintiffs,	:	Case No. 21-cv-4106 (AMD) (RER)
	:	
v.	:	
	:	FILED UNDER SEAL
SAFE CHAIN SOLUTIONS, LLC, et al.,	:	PURSUANT TO 15 U.S.C. § 1116(d)
	:	
Defendants.	:	

**ORDER EXTENDING THE AUGUST 11, 2022 ASSET FREEZE ORDER AND
TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

WHEREAS, on July 30, 2022, Plaintiffs Gilead Sciences, Inc., Sciences Ireland UC, and Gilead Sciences, LLC (collectively, “Plaintiffs” or “Gilead”) filed their proposed Fourth Amended Complaint and sought a temporary restraining order, asset freeze order, and seizure against several newly named Defendants;

WHEREAS, on August 11, 2022, the Court entered the Fourth Amended Complaint, ECF No. 626, and entered a Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction, ECF. No. 628 (the “TRO Order”); an Asset Freeze Order, ECF No. 627 (the “Asset Freeze Order”); and a Seizure Order, ECF No. 629 (the “Seizure Order”);

WHEREAS, after the issuance of the Seizure Order, Plaintiffs secured the assistance of law enforcement and on August 17 and 18, 2022 executed the Seizure Order, at which time they effected service upon the Defendants named in the Seizure Order;

WHEREAS, the TRO Order specifies that service of that Order shall not occur prior to the execution of the Seizure Order;

WHEREAS, following the execution of the Seizure Order, Plaintiffs served or in good faith attempted to serve the remaining Defendants named in the TRO Order and Asset Freeze Order; and

WHEREAS, Plaintiffs have shown good cause as to why the TRO Order and Asset Freeze Order should be extended, including that Plaintiffs needed to secure the assistance of law enforcement to execute the Seizure Order, that Plaintiffs have in good faith effected or attempted to effect service of the Seizure Order, TRO Order, and Asset Freeze Order in a timely manner, and that the Court and the parties will benefit from additional time to address the Orders, including briefing the opposition, if any, to such orders;

NOW THEREFORE, it is hereby ORDERED that:

1. Pursuant to Fed. R. Civ. P. 65(b)(2) and for good cause shown, the TRO Order and the Asset Freeze Order, both entered on August 11, 2022, are extended for a period of 14 days, through and until September 8, 2022.

2. The TRO Order entered on August 11, 2022 is hereby MODIFIED as to all parties named in that Order as follows:

- a. The Temporary Restraining Order set forth in paragraphs 1 through 9 of the TRO Order is hereby extended for fourteen days, and shall remain in effect through and until September 8, 2022.
- b. Defendants shall show cause before this Court at Courtroom 4G N, Theodore Roosevelt United State Court Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, on the 7th day of September 2022, at 2 o'clock p.m., or such other date as may be fixed by the Court, why a preliminary injunction, pursuant to Rule 65 of the Federal Rules

of Civil Procedure, should not be issued enjoining the Defendants named in the TRO Order and their principals, agents, officers, directors, members, servants, employees, successors, assigns and all other persons in concert and participation with them in the manner set forth in paragraphs 1-10 of the TRO Order for the duration of this litigation and, for those Defendants named in the Seizure Order, confirming this Court's seizure order.

- c. Answering papers, if any, shall be filed by the Defendants with this Court and served upon Plaintiffs' counsel, Geoffrey Potter, by email at CounterfeitGileadMedications@pbwt.com no later than August 31, 2022 and reply papers shall be filed and served no later than September 6, 2022.
- d. Defendants are hereby put on notice that failure to attend the show cause hearing scheduled herein shall result in the immediate issuance of the preliminary injunction and confirmation of the Court's seizure order, and that failure of Defendants to respond to the Order to Show Cause by the 7th day of September, 2022 shall result in the automatic issuance of a preliminary injunction, which shall be deemed to take effect immediately and shall extend during the pendency of this action. Defendants shall be deemed to have actual notice of the issuance and terms of such preliminary injunction, and that any act by any of the Defendants in violation of any of its terms may be considered and prosecuted as contempt of this Court.
- e. Except to the extent inconsistent with this Order, the provisions of the Court's TRO Order shall remain in effect.

3. The Asset Freeze Order entered on August 11, 2022, is hereby MODIFIED as to all parties named in that Order follows:

- a. Opposition papers, if any, by any Restrained Party must be filed with this Court and served upon Plaintiffs' counsel, Geoffrey Potter, by email at CounterfeitGileadMedications@pbwt.com no later than August 30, 2022, and reply papers shall be served and filed no later than September 2, 2022.
- b. The Restrained Parties are hereby put on notice that failure to file an opposition by August 30, 2022 shall result in the immediate conversion of this Order into a preliminary injunction, which shall be deemed to take effect immediately and shall extend during the pendency of this action. The Restrained Parties shall be deemed to have actual notice of the issuance and terms of such preliminary injunction, and that any act by any of the Restrained Parties in violation of any of its terms may be considered and prosecuted as contempt of this Court.
- c. Except to the extent inconsistent with this Order, the provisions of the Court's Asset Freeze Order shall remain in effect.

4. The Seizure Order entered on August 11, 2022, is hereby MODIFIED as to all parties named in that Order as follows:

- a. The parties shall appear for a hearing before this Court to confirm this Seizure Order on the 7th day of September 2022, at 2 o'clock p.m., absent good cause or consent of all parties to set a different hearing date; and it is further
- b. ORDERED that any Defendant intending to oppose confirmation of this Seizure Order shall file opposition papers with this Court and serve by email

upon Gilead's counsel, Geoffrey Potter, CounterfeitGileadMedications@pbwt.com, on or before August 31, 2022 and reply papers shall be filed and served by email no later than September 6, 2022, and if any Defendants fail to oppose confirmation of this Seizure Order in accordance with this paragraph, then with regard to such Defendants the seizure shall be deemed confirmed, Gilead's bond shall be released, and Gilead shall be released from any liability in connection with the seizure.

- c. Except to the extent inconsistent with this Order, the provisions of the Court's Seizure Order shall remain in effect.

s/Ann M. Donnelly

UNITED STATES DISTRICT JUDGE

Issued: August 23, 2022